

**U.S. District Court**  
**Southern District of Florida (Ft Lauderdale)**  
**CRIMINAL DOCKET FOR CASE #: 0:13-mj-06469-PMH-1**  
***Internal Use Only***

Case title: USA v. Espinosa

Date Filed: 10/09/2013

Date Terminated: 10/09/2013

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Assigned to: Magistrate Judge  
Patrick M. Hunt

**Defendant (1)**

**Jose Espinosa**

04125-104

YOB: 1962

English

TERMINATED: 10/09/2013

represented by **Noticing FPD-FTL**

Email: [ftl\\_ecf@fd.org](mailto:ftl_ecf@fd.org)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender Appointment

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

21:963=CI.F

**Disposition**

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**Plaintiff**

USA

represented by **Thomas Lanigan**

United States Attorney's Office

500 E Broward Boulevard

7th Floor

Fort Lauderdale, FL 33301-3002

954-356-7255

Fax: 356-7230

Email: [tom.lanigan@usdoj.gov](mailto:tom.lanigan@usdoj.gov)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED  
 Designation: Retained

Date Filed	#	Page	Docket Text
10/08/2013			Arrest of Jose Espinosa (at) (Entered: 10/09/2013)
10/09/2013	<u>1</u>	3	Magistrate Removal of Complaint from ED/NY Case number in the other District 13M150 as to Jose Espinosa (1). (dd) (Entered: 10/09/2013)
10/09/2013	<u>2</u>	9	ORDER as to Jose Espinosa signed by Judge Orenstein of the ED/NY unsealing case. (dd) (Entered: 10/09/2013)
10/09/2013	<u>3</u>	10	Report Commencing Criminal Action as to Jose Espinosa – YOB: **/**/1985 Prisoner #: 04125–104 (at) (Entered: 10/09/2013)
10/09/2013	<u>4</u>	11	Minute Entry for proceedings held before Magistrate Judge Patrick M. Hunt: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Jose Espinosa held on 10/9/2013. as to Jose Espinosa (1) BOND DEFERRED UNTIL ARRIVAL IN NY. Defendant advised of charges, sworn for counsel. Deft waives removal, signed waiver. Commitment to another District signed. Attorney added: Noticing FPD–FTL for Jose Espinosa (Digital 11:57:17.) (at) (Entered: 10/09/2013)
10/09/2013	<u>5</u>	12	WAIVER OF REMOVAL HEARING Rule 5(c)(3)/Rule 40 Hearing by Jose Espinosa (at) (Entered: 10/09/2013)
10/09/2013	<u>6</u>	13	Order on Initial Appearance as to Jose Espinosa for proceeding held on 10/9/2013 as to Jose Espinosa (1) DEFERRED UNTIL ARRIVAL IN ED/NY. (Signed by Magistrate Judge Patrick M. Hunt on 10/9/2013). (at) (Entered: 10/09/2013)
10/09/2013	<u>7</u>	15	COMMITMENT TO ANOTHER DISTRICT as to Jose Espinosa. Defendant committed to District of EASTERN DISTRICT OF NEW YORK (Signed by Magistrate Judge Patrick M. Hunt on 10/9/2013). (at) (Entered: 10/09/2013)

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 3 of 15

AO 442 (Rev. 01/09) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the  
Eastern District of New York

13-6469-Hunt

United States of America  
v.  
JOSE ESPINOSA,

Case No.

13 M 150

Defendant

### ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) JOSE ESPINOSA

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to import heroin, contrary to Title 21, U.S.C., Section 963.

Date: 02/20/2013



Issuing officer's signature

City and state: Brooklyn, New York

The Viktor V. Pohorelsky, U.S.M.J.

Printed name and title

#### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 4 of 15

ENN:WDS  
F#2011R00560/OCDETF#NY-NYE-679

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**13M150**

- - - - - X

UNITED STATES OF AMERICA

- against -

JOSE ESPINOSA,

Defendant.

FILED UNDER SEAL

COMPLAINT AND  
AFFIDAVIT IN SUPPORT  
OF ARREST WARRANT

(T. 21, U.S.C.,  
§ 963)

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

JEFFREY PERRY, being duly sworn, affirms and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, in or about and between June 2010 and January 2011, within the Eastern District of New York and elsewhere, the defendant JOSE ESPINOSA, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Section 963)

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 5 of 15

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. The facts set forth in this affidavit are based in part on information that I have learned from my review of written documents prepared by, and conversations with, Special Agents with HSI. Unless otherwise noted, I have not distinguished between those facts of which I am personally aware and those that have been provided to me by other law enforcement officers.

Cooperating Defendant #1

2. In December 2010, an individual, hereinafter identified as "Cooperating Defendant #1," arrived at JFK International Airport in Queens, New York aboard Avianca Airlines flight number 20 from Bogota, Colombia. Cooperating Defendant #1 notified Customs and Border Protection officers during a routine examination that he had swallowed pellets, which an x-ray later confirmed. Cooperating Defendant #1 was placed under arrest and thereafter passed a total of 167 pellets containing heroin, with an approximate gross weight of 1,414.6 grams.

3. After being advised of his Miranda rights, Cooperating Defendant #1 agreed to speak with HSI Special Agents. He stated that he was supposed to give the heroin to an unidentified individual in New York in exchange for \$50,000 in

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<sup>1/</sup> Because the purpose of this affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

Case 0:13-cv-00469-PJM Document 8-1 Filed 10/15/13 Page 6 of 15

cash, of which he was supposed to keep \$15,000 for himself and give the remaining \$35,000 to the source of the heroin in Colombia, whom he identified as the defendant JOSE ESPINOSA. Cooperating Defendant #1 thereafter agreed to cooperate with law enforcement and began making consensually-recorded telephone calls to ESPINOSA, who provided him the telephone number for the individual to whom Cooperating Defendant #1 was supposed to deliver the heroin (the "Recipient"). Over the next two days, Cooperating Defendant #1 made consensually-recorded telephone calls to the Recipient, arranging to meet him at a location in Queens, New York, on December 8, 2010.

4. On December 8, 2010, the Recipient arrived as scheduled for the meeting and, after conferring with Cooperating Defendant #1, was placed under arrest by HSI Special Agents. The Recipient thereafter consented to a search of his car, which revealed, among other things, a red bag containing \$50,000 in cash. The Recipient was subsequently charged in an indictment in the Eastern District of New York and ultimately pleaded guilty to conspiracy to import heroin, in violation of 21 U.S.C. § 963.

5. During additional meetings with law enforcement, Cooperating Defendant #1 explained that he had made additional trips to the United States from Colombia, and that on each occasion ESPINOSA had supplied him with heroin. Cooperating Defendant #1 identified the specific date of one such trip, in

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 7 of 15

which he was accompanied by ESPINOSA, and was further able to identify the hotel at which the two men stayed. HSI agents were thereafter able to confirm this information by obtaining records from the hotel in the name of both Cooperating Defendant #1 and JOSE ESPINOSA. Travel records for ESPINOSA also confirm that he traveled to New York from Colombia at the time stated by Cooperating Defendant #1.

Cooperating Defendant #2

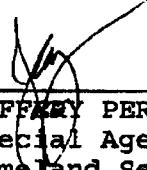
6. On approximately January 27, 2011, another individual, hereinafter identified as "Cooperating Defendant #2," arrived at Miami International Airport aboard a flight from Bogota, Colombia. Upon arriving in Miami, Cooperating Defendant #2 was selected for inspection, during which he voluntarily removed an object from his pants containing approximately 1,088 grams of heroin. Cooperating Defendant #2 thereafter agreed to speak with HSI Special Agents and cooperate with law enforcement.

7. Cooperating Defendant #2 stated that he knew that he was carrying narcotics and that he had done so on prior occasions. In fact, Cooperating Defendant #2 stated that he had previously delivered shipments of narcotics to an individual whom he later identified as the Recipient. Cooperating Defendant #2 also identified ESPINOSA as a manager and participant in the same drug-smuggling organization. Cooperating Defendant #2 further stated that JOSE ESPINOSA had explained to him that one of his

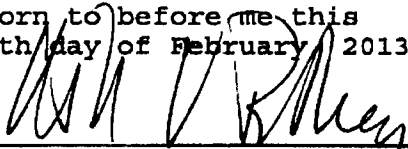
Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 8 of 15

couriers and the intended recipient had been arrested during a delivery in December 2010.<sup>2/</sup>

WHEREFORE, your affiant respectfully requests that a sealed arrest warrant for the defendant JOSE ESPINOSA issue so that he may be dealt with according to law.

  
JEFFERY PERRY  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
20th day of February 2013

  
THE HONORABLE VIKTOR V. POHORELSKY  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

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<sup>2</sup> Both Cooperating Defendant #1 and Cooperating Defendant #2 have previously provided information deemed to be reliable based on HSI's investigation into this matter and pleaded guilty to their participation in the drug importation scheme pursuant to cooperation agreements with the government.



Case 0:13-cv-00150 Document 8-1 Filed 10/15/13 Page 9 of 15

WDS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

JOSE ESPINOSA,

Defendant.

- - - - - X

Upon application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by David Sarratt, Assistant United States Attorney, for an order unsealing the above-captioned case, it is hereby

ORDERED that the above-captioned case be unsealed.

Dated: Brooklyn, New York  
October 9, 2013

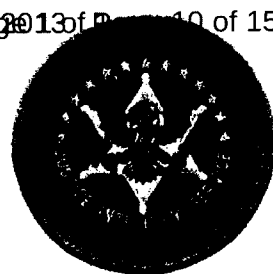
*James Orenstein*

THE HONORABLE JAMES ORENSTEIN  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

*13-6469-Kunt*



**United States District Court**  
Southern District of Florida



**UNITED STATES OF AMERICA**  
Plaintiff

**CASE NUMBER: CR:** 13-6469-HUNT

- vs

**REPORT COMMENCING CRIMINAL**  
**ACTION**

Espinosa, Jose  
Defendant

04125-104  
USMS NUMBER

TO: CLERK'S OFFICE  
U.S. DISTRICT COURT

MIAMI

FT. LAUDERDALE  
(CIRCLE ONE)

W. PALM BEACH

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE N/A.

(1) **DATE AND TIME OF ARREST:** 10-8-13/ AM PM X

(2) **LANGUAGE SPOKEN:** English

(3) **OFFENSE CHARGED:** 21 USC 952 Importation of a controlled substance

(4) **DATE OF BIRTH:** 12-20-85

(5) **TYPE OF CHARGING DOCUMENT:** (CHECK ONE)

☒ INDICTMENT

☐ COMPLAINT TO BE FILED/ALREADY FILED

☐ BENCH WARRANT FOR FAILURE TO APPEAR

☐ PROBATION VIOLATION WARRANT

☐ PAROLE VIOLATION WARRANT

**ORIGINATING DISTRICT:** Eastern District of New York

(6) **REMARKS:** \_\_\_\_\_

(7) **DATE:** 10-8-13 (8) **ARRESTING OFFICER:** Special Agent Nicole Nualart

(8) **AGENCY:** U.S. Immigration & Customs Enforcement (10) **PHONE:** 954 888 1690

(11) **COMMENTS:** \_\_\_\_\_

## COURT MINUTES

## United States Magistrate Judge Patrick M. Hunt

Date: 10/9/2013 Time: 11:00am

Defendant: Jose Espinosa (J) ✓ J#: \_\_\_\_\_ Case #: 13-6469-Hunt  
 AUSA: Thomas Lanigan ✓ Attorney: Jan Smith  
 Violation: Removal from Southern District of New York – 21:963  
 Proceeding: Initial Appearance CJA Appt: \_\_\_\_\_  
 Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: \_\_\_\_\_  
 Bond Set at: \_\_\_\_\_ Co-signed by: \_\_\_\_\_

- ☐ Surrender and/or do not obtain passports/travel docs
- ☐ Report to PTS as directed/or \_\_\_\_\_ x's a week/month by phone: \_\_\_\_\_ x's a week/month in person
- ☐ Random urine testing by Pretrial Services \_\_\_\_\_ Treatment as deemed necessary
- ☐ Refrain from excessive use of alcohol
- ☐ Participate in mental health assessment & treatment
- ☐ Maintain or seek full-time employment/education
- ☐ No contact with victims/witnesses
- ☐ No firearms
- ☐ Not to encumber property
- ☐ May not visit transportation establishments
- ☐ Home Confinement/Electronic Monitoring and/or Curfew \_\_\_\_\_ pm to \_\_\_\_\_ am, paid by \_\_\_\_\_
- ☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment
- ☐ Travel extended to: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

Language: \_\_\_\_\_

Disposition:

Deft advised of charges  
 Deft sworn for counsel

FPD's office appt -  
 Jan Smith

Deft Waives removal  
 Waiver signed

Bond nrg deferred  
 until arrival in NY

Commitment to another  
 District signed

NEXT COURT APPEARANCE Date: \_\_\_\_\_ Time: \_\_\_\_\_ Judge: \_\_\_\_\_ Place: \_\_\_\_\_

Report RE Counsel: \_\_\_\_\_

PTD/Bond Hearing: \_\_\_\_\_

Prelim/Arraign or Removal: \_\_\_\_\_

Status Conference RE: \_\_\_\_\_

D.A.R. 11:57:17 Time in Court: 10min

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 12 of 15

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No: 13-6469-HUNT

UNITED STATES OF AMERICA  
Plaintiff,

vs.

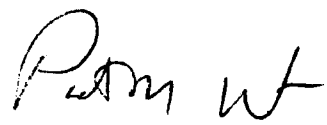
JOSE ESPINOSA,  
Defendant.

**WAIVER OF REMOVAL HEARING**

I, Jose Espinosa, charged in a proceeding pending in the Eastern District of New York, with 21:963, and having been arrested in the Southern District of Florida and taken before Patrick M. Hunt, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned magistrate judge and consent to the issuance of a warrant for my removal to the Eastern District of New York where the aforesaid charge is pending against me.

October 9, 2013

  
Signature of Defendant

  
PATRICK M. HUNT  
UNITED STATES MAGISTRATE JUDGE

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 13 of 15

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 13-6469-HUNT**

UNITED STATES OF AMERICA  
Plaintiff,

**ORDER ON INITIAL APPEARANCE**

vs.

Language: English

AUSA: Thomas Lanigan

JOSE ESPINOSA,  
Defendant.

The above-named defendant having been arrested on 10/9/2013 and having appeared before the court for initial appearance on 10/9/2013 and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon **ORDERED** as follows:

1. \_\_\_\_\_  
appeared as permanent/temporary counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
2. FPD - Jan Smith  
appointed as permanent counsel of record.  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. The defendant shall attempt to retain counsel and shall appear before the court at \_\_\_\_\_ on \_\_\_\_\_ before Duty Magistrate Judge FTL.
4. Arraignment/Preliminary/Removal/Identity hearing is set for \_\_\_\_\_ before Duty Magistrate Judge FTL
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because \_\_\_\_\_ A Detention/Bond hearing, pursuant to 18 U.S.C. Section 3142(f), is set for deferred until arrival before Duty Magistrate Judge FTL.
6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. 3142: in EDNY

\_\_\_\_\_ \$250,000 CSB w/ Nebbia; reserving the right to a PTD hearing at a later date.  
This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☐ a. Surrender all passports and travel documents to the Pretrial Services Office and do not obtain passport.
- ☐ b. Report to Pretrial Services as follows: \_\_\_\_\_ as directed; \_\_\_\_\_ time(s) a week in person and \_\_\_\_\_ time(s) a week by telephone.
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law
- ☐ d. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance
- ☐ e. Participate in mental health assessment and/or treatment
- ☐ f. Participate and undergo a sex offense specific evaluation and treatment
- ☐ g. Maintain or actively seek full time gainful employment

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 14 of 15

- ☐ h. Maintain or begin an educational program  
☐ i. Avoid all contact with victims of or witnesses to the crimes charged.  
☐ j. Refrain from possessing a firearm, destructive device or other dangerous weapon.  
☐ k. None of the signatories may sell, pledge, mortgage, hypothecate, encumber any property they own, real or personal, until the bond is discharged, or otherwise modified by Court  
☐ l. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals  
☐ m. No access to the internet  
☐ n. Home Confinement Program: ☐ Electronic Monitoring ☐ paid by defendant ☐ paid by PTS  
☐ Curfew from \_\_\_\_\_ to \_\_\_\_\_  
☐ Home Detention: You are restricted to your residence at all times  
except for: ☐ medical needs or treatment, ☐ court appearances, ☐ attorney visits or court ordered obligations or \_\_\_\_\_  
☐ o. Halfway House Placement \_\_\_\_\_  
☐ p. May travel to and from: \_\_\_\_\_ and must notify PTS of travel plans before leaving and upon return.  
☐ q. Comply with the following additional conditions of bond: \_\_\_\_\_


Bond was set: At Arrest \_\_\_\_\_  
On Warrant \_\_\_\_\_  
After Hearing \_\_\_\_\_

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is \_\_\_\_\_  
\_\_\_\_\_ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.

8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

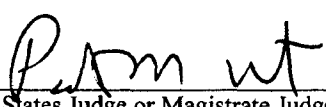
**DONE AND ORDERED** at Fort Lauderdale, Florida this 9<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
PATRICK M. HUNT  
UNITED STATES MAGISTRATE JUDGE

cc: Assistant U.S. Attorney  
Defendant  
Counsel  
Pretrial Services/Probation

Case 0:13-mj-00150-VVP Document 4 Filed 10/15/13 Page 15 of 15

AO 94 (Rev. 8/97) Commitment to Another District

<b>UNITED STATES DISTRICT COURT</b>			
SOUTHERN		District of	
FLORIDA		FLORIDA	
UNITED STATES OF AMERICA V. JOSE ESPINOSA		<b>COMMITMENT TO ANOTHER DISTRICT</b>	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest EASTERN DISTRICT OF NEW YORK	District of Offense 13 M 150	District of Arrest SOUTHERN DISTRICT OF FLORIDA	District of Offense 13-6469-HUNT
<b>CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN</b> <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Other charging a violation of <b>21 U.S.C. § 963</b>			
<b>DISTRICT OF OFFENSE:</b> EASTERN DISTRICT OF NEW YORK			
<b>DESCRIPTION OF CHARGES:</b> CONSPIRACY TO IMPORT HEROIN			
<b>CURRENT BOND STATUS:</b> <input type="checkbox"/> Bail fixed at \$                      and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify)			
<b>Representation:</b> <input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None			
<b>Interpreter Required?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes    Language:			
<div style="text-align: right; font-weight: bold;">DISTRICT OF SOUTHERN DISTRICT OF FLORIDA</div> <p>TO: THE UNITED STATES MARSHAL</p> <p>You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p>October 9, 2013</p> <p>_____ Date</p> </div> <div style="text-align: center;">   <p>_____ United States Judge or Magistrate Judge</p> </div> </div>			
<b>RETURN</b>			
<b>This commitment was received and executed as follows:</b>			
DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED	
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	